

COUNTY COUNCIL  
OF  
HARFORD COUNTY, MARYLAND

Bill No. 10-07, As Amended

Introduced by: \_\_\_\_\_ Council President Boniface at the request of the County Executive \_\_\_\_\_

Legislative Day No. \_\_\_\_\_ 10-04 \_\_\_\_\_ Date: \_\_\_\_\_ February 2, 2010 \_\_\_\_\_

A AN EMERGENCY BILL to amend Bill No. 09-26 enacted by the County Council of Harford County, Maryland on November 10, 2009, approved by the County Executive on November 12, 2009, effective January 12, 2010 ("Bill No. 09-26"), to authorize and empower the County Executive of Harford County, Maryland to designate whether any portion or all of the indebtedness authorized by Bill No. 09-26 shall, pursuant to the American Recovery and Reinvestment Tax Act of 2009, be issued as Build America Bonds pursuant to Section 54AA of the Internal Revenue Code of 1986, as amended, and whether available credits, if any, with respect to such Build America Bonds shall accrue as tax credits to the holders of the Bonds or whether the County may claim a credit of a portion of each interest payment made with respect to such Build America Bonds; whether any portion or all of the indebtedness authorized by Bill No. 09-26 shall be designated as Qualified School Construction Bonds under the American Recovery and Reinvestment Tax Act of 2009, pursuant to Section 54F of the Internal Revenue Code of 1986, and whether any portion or all of the indebtedness authorized pursuant to Bill No. 09-26, shall be designated as Recovery Zone Economic Development Bonds pursuant to Section 1400U-2 of the Internal Revenue Code of 1986; provided that the designation as Build America Bonds (Tax Credit), or Build America Bonds (Direct Payment), Qualified School Construction Bonds and/or Recovery Zone Economic Development Bonds shall not increase the total indebtedness authorized pursuant to Bill No. 09-26; provided that the indebtedness authorized herein shall only be used for the Projects described in Bill No. 09-26; providing that the County Executive of Harford County, Maryland shall on or before the date of sale of any such indebtedness make such determination and designation; and generally relating to the issuance of indebtedness to provide a portion or all of the financing for such Projects; provided further that this Bill is introduced to meet emergencies affecting the public health, safety or welfare of Harford County, Maryland and its citizens, and as such shall take effect on the date it becomes law.

By the Council, \_\_\_\_\_ February 2, 2010 \_\_\_\_\_

Introduced, read first time, ordered posted and public hearing scheduled

on: \_\_\_\_\_ March 2, 2010 \_\_\_\_\_

at: \_\_\_\_\_ 7:00 p.m. \_\_\_\_\_

By order: Barbara J. O'Connor, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on \_\_\_\_\_ March 2, 2010 \_\_\_\_\_, and concluded on \_\_\_\_\_ March 2, 2010 \_\_\_\_\_.

Barbara J. O'Connor Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

1 WHEREAS, Bill No. 09-26 was enacted by the County Council of Harford County,  
2 Maryland on November 10, 2009, approved by the County Executive of Harford County,  
3 Maryland on November 12, 2009 and effective on January 12, 2010; and

4 WHEREAS, the American Recovery and Reinvestment Tax Act of 2009 signed by the  
5 President of the United States on February 17, 2009, creates new categories of bonds called  
6 "Build America Bonds," "Qualified School Construction Bonds" and "Recovery Zone Economic  
7 Development Bonds," which may be issued as taxable bonds with Federal subsidies for a portion  
8 of the borrowing costs of such bonds; and

9 WHEREAS, the County Executive of Harford County, Maryland is authorized to  
10 designate all or a portion of the indebtedness authorized pursuant to Bill No. 09-26, effective  
11 January 12, 2010, as Build America Bonds, Qualified School Construction Bonds and/or  
12 Recovery Zone Economic Development Bonds; and

13 WHEREAS, the aggregate indebtedness to be incurred by Harford County, Maryland  
14 pursuant to Bill No. 09-26 and this Bill shall not exceed Seventy-Three Million Three Hundred  
15 Eight Thousand Dollars (\$73,308,000.00); and

16 WHEREAS, the proceeds of any such Bonds which may be designated by the County  
17 Executive as Build America Bonds, Qualified School Construction Bonds and/or Recovery Zone  
18 Economic Development Bonds shall only be used for the Projects authorized by Bill No. 09-26  
19 unless the Projects authorized by Bill No. 09-26 are changed pursuant to a subsequent legislative  
20 act of the County Council of Harford County, Maryland.

21 NOW, THEREFORE, IN ACCORDANCE WITH THE PROVISIONS OF THE  
22 CHARTER, THE CODE AND THE LAWS OF THE STATE OF MARYLAND:

1       SECTION 1. Be it enacted by the County Council of Harford County, Maryland that Bill  
2 No. 09-26 is amended in Section 3 thereof, beginning on page 4, line 25, by adding new  
3 subsections (g) and (h) as follows:

4       “(g) the County Executive of Harford County, Maryland, in his discretion, may  
5 determine and designate, by Executive Order, all or a portion of the indebtedness  
6 authorized pursuant to Bill No. 09-26 as Build America Bonds (Tax Credit) or  
7 Build America Bonds (Direct Payment) pursuant to Section 54AA of the Internal  
8 Revenue Code of 1986, Qualified School Construction Bonds pursuant to Section  
9 54F of the Internal Revenue Code of 1986, or Recovery Zone Economic  
10 Development Bonds pursuant to Section 1400U-2 of the Internal Revenue Code  
11 of 1986, to finance all or a portion of the cost of the Projects described in Bill No.  
12 09-26.”

13       “(h) the County Executive of Harford County, Maryland shall determine, by  
14 Executive Order, with respect to any indebtedness with respect to Build America  
15 Bonds, whether any credits available with respect to such Build America Bonds  
16 shall accrue as tax credits to the holders of the Bonds, or in lieu of the tax credit to  
17 the holders of the Bonds, whether the County shall claim a credit of a portion of  
18 each interest payment made under the Bonds in the form of a payment made to the  
19 County.”

20       SECTION 2. And be it further enacted by the County Council of Harford County,  
21 Maryland that except as herein amended, the provisions of Bill No. 09-26 shall be applicable to  
22 any indebtedness designated as Build America Bonds, Qualified School Construction Bonds or

1 Recovery Zone Economic Development Bonds pursuant to the American Recovery and  
2 Reinvestment Tax Act of 2009.

3  
4 SECTION 3. Be it further enacted by the County Council of Harford County, Maryland  
5 that the provisions of this Bill are severable, and if any provision, sentence, clause, section or  
6 part hereof is held illegal, invalid or unconstitutional or inapplicable to any person or  
7 circumstances, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect  
8 or impair any of the remaining provisions, sentences, clauses, sections or parts of this Bill or their  
9 application to other persons or circumstances. It is hereby declared to be the legislative intent  
10 that this Bill would have been passed if such illegal, invalid or unconstitutional provision,  
11 sentence, clause, section or part had not been included herein, as if the person or circumstances to  
12 which this Bill or any part hereof are inapplicable had been specifically exempted therefrom.

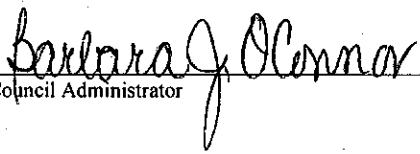
13 SECTION 4. And be it further enacted by the County Council of Harford County,  
14 Maryland that this Bill is determined to be an emergency Bill, affecting the public health, safety  
15 or welfare of the County and its citizens in that the County plans to incur indebtedness for the  
16 Projects authorized to be financed pursuant to Bill No. 09-26, and in order to sell all or a portion  
17 of such indebtedness as Build America Bonds, Qualified School Construction Bonds and/or  
18 Recovery Zone Economic Bonds, it is necessary that any such indebtedness so designated by the  
19 County Executive be sold at the same time that the Bonds authorized by Bill No. 09-26 are  
20 issued and sold.

21 SECTION 5. And be it further enacted by the County Council of Harford County,  
22 Maryland that this Bill shall take effect on the date it becomes law.

EFFECTIVE: March 9, 2010

The Council Administrator of the Council does hereby  
certify that fifteen (15) copies of this Bill are immediately

available for distribution to the public and the press.

  
Council Administrator

HARFORD COUNTY BILL NO. 10-07 As Amended

Brief Title General Obligation Bonds

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

**CERTIFIED TRUE AND CORRECT**

Barbara J. O'Connor  
Council Administrator

Date March 2, 2010

**ENROLLED**

Billy Bonface  
Council President

Date March 2, 2010

**BY THE COUNCIL**

Read the third time.

Passed: LSD 10-7

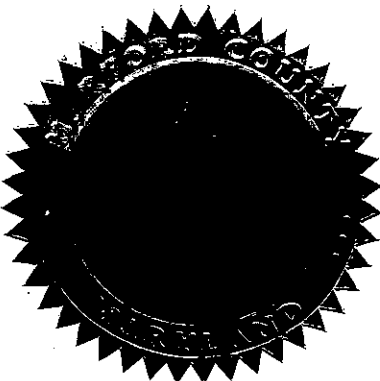
Failed of Passage: \_\_\_\_\_

By Order

Barbara J. O'Connor  
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 3<sup>rd</sup> day of March, 2010 at 3:00 p.m.

Barbara J. O'Connor  
Council Administrator



**BY THE EXECUTIVE**

David R. Craig  
COUNTY EXECUTIVE

APPROVED: Date 3-9-10

**BY THE COUNCIL**

This Bill No. 10-07 As Amended having been approved by the Executive and returned to the Council, becomes law on March 9, 2010

EFFECTIVE DATE: March 9, 2010

Barbara J. O'Connor  
Barbara J. O'Connor  
Council Administrator